

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Paul R Castner
Debtor(s)

Bankruptcy Case No.: 18-21827-GLT
Issued Per 11/15/2018 Proceeding
Chapter: 13
Docket No.: 35 - 14
Concil. Conf.: November 15, 2018 at 02:00 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated 5/4/2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,992.00 as of December, 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Nov. 15, 2018 at 02:00 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 17 of Ditech and Claim No. 2 of Fifth Third Bank .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

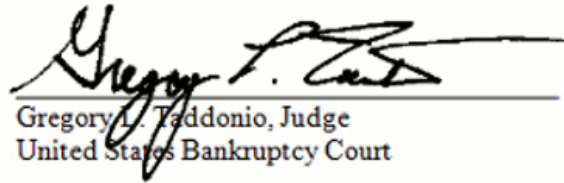
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: November 16, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Paul R Castner
 Debtor

Case No. 18-21827-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 36

Date Rcvd: Nov 16, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 18, 2018.

db
 14870779 +Paul R Castner, 243 Burch Dr., Coraopolis, PA 15108-3113
 14827372 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 14850589 +Citibank/The Home Depot, Centralized Bankruptcy, Po Box 790034, St Louis, MO 63179-0034
 14827379 +Fifth Third Bank, PO Box 9013, Addison, Texas 75001-9013
 14831643 +First National Bank, Attn: Tina, 1620 Dodge St Mailstop 4440, Omaha, NE 68197-0002
 14827380 +First National Bank of Omaha, 1620 Dodge Street, Stop code 3105, Omaha, NE 68197-0002
 14863528 +Kay Jewelers, Attn: Bankruptcy, Po Box 1799, Akron, OH 44309-1799
 14904723 +KeyBank, N.A. as SBM to First Niagara Bank, N.A., 4910 Tiedeman Rd.,
 Brooklyn, OH 44144-2338
 Shellpoint Mortgage Servicing, P.O. Box 10675, Greenville, SC 29603-0675

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14878727 E-mail/PDF: resurgentbknofications@resurgent.com Nov 17 2018 02:36:29
 CVI SGP-CO Acquisition Trust C/O Resurgent Capital, P.O. Box 10675,
 Greenville, SC 29603-0675

14827371 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 17 2018 03:01:28 Capital One,
 Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285

14827373 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 17 2018 02:29:34
 Comenity Bank/Victoria Secret, Attn: Bankruptcy Dept, Po Box 182125,
 Columbus, OH 43218-2125

14827374 +E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 17 2018 02:29:35 Comenity Capital/mprc,
 Attn: Bankruptcy Dept, Po Box 182125, Columbus, OH 43218-2125

14827375 +E-mail/Text: bankruptcy_notifications@ccsusa.com Nov 17 2018 02:30:47
 Credit Collections Services, Attention: Bankruptcy, 725 Canton Street,
 Norwood, MA 02062-2679

14827376 +E-mail/Text: ccusa@ccuhome.com Nov 17 2018 02:29:14 Credit Collections USA, LLC,
 16 Distributor Drive, Suite 1, Morgantown, WV 26501-7209

14827377 +E-mail/Text: bankruptcy.bnc@ditech.com Nov 17 2018 02:29:29 Ditech, Attn: Bankruptcy,
 Po Box 6172, Rapid City, SD 57709-6172

14880435 E-mail/Text: bankruptcy.bnc@ditech.com Nov 17 2018 02:29:29 Ditech Financial LLC,
 P.O. Box 6154, Rapid City, SD 57709-6154

14879687 +E-mail/Text: kbarkley@bernsteinlaw.com Nov 17 2018 02:30:44 Duquesne Light Company,
 c/o Bernstein-Barkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945

14827378 +E-mail/Text: collectionbankruptcies.bancorp@53.com Nov 17 2018 02:30:28 Fifth Third Bank,
 Attn: Bankruptcy Department, 1830 E Paris Ave Se, Grand Rapids, MI 49546-8803

14827381 +E-mail/Text: key_bankruptcy_ebnc@keybank.com Nov 17 2018 02:30:12 Keybank Na,
 4910 Tiedman Road, Brooklyn, OH 44144-2338

14827382 +E-mail/Text: bnckohlsnotices@becket-lee.com Nov 17 2018 02:29:24 Kohls/Capital One,
 Kohls Credit, Po Box 3120, Milwaukee, WI 53201-3120

14879696 E-mail/PDF: resurgentbknofications@resurgent.com Nov 17 2018 02:36:02
 LVNV Funding, LLC its successors and assigns as, assignee of NCOP Capital III, LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587

14875078 +E-mail/Text: bankruptcydpt@mcme.com Nov 17 2018 02:30:00 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011

14879668 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 17 2018 02:47:40
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

14827678 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 17 2018 02:36:50
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

14870318 E-mail/Text: bnc-quantum@quantum3group.com Nov 17 2018 02:29:42
 Quantum3 Group LLC as agent for, MOMA Trust LLC, PO Box 788, Kirkland, WA 98083-0788

14876243 E-mail/Text: bnc-quantum@quantum3group.com Nov 17 2018 02:29:42
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788

14869323 E-mail/Text: bnc-quantum@quantum3group.com Nov 17 2018 02:29:42
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788

14880377 +E-mail/Text: bncmail@w-legal.com Nov 17 2018 02:30:10 SYNCHRONY BANK / Paypal Credit,
 c/o Weinstein & Riley, PS, 2001 Western Ave., Ste 400, Seattle, WA 98121-3132

14879666 +E-mail/PDF: gecsedirecoverycorp.com Nov 17 2018 02:35:53 Synchrony Bank,
 c/o PRA Receivables Management, LLC, PO Box 41021, Norfolk VA 23541-1021

14827383 +E-mail/PDF: gecsedirecoverycorp.com Nov 17 2018 02:36:18 Synchrony Bank/ Old Navy,
 Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060

14827384 +E-mail/PDF: gecsedirecoverycorp.com Nov 17 2018 02:36:43 Synchrony Bank/Care Credit,
 Attn: Bankruptcy Dept, Po Box 965061, Orlando, FL 32896-5061

14827385 +E-mail/PDF: gecsedirecoverycorp.com Nov 17 2018 02:35:53 Synchrony Bank/Lowes,
 Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060

14827386 +E-mail/PDF: gecsedirecoverycorp.com Nov 17 2018 02:36:43 Synchrony Bank/Mens Wearhouse,
 Attn: Bankruptcy Dept, Po Box 965060, Orlando, FL 32896-5060

14827387 +E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com Nov 17 2018 02:29:07
 Verizon, Verizon Wireless Bk Admin, 500 Technology Dr Ste 550,
 Weldon Springs, MO 63304-2225

14873413 E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Nov 17 2018 03:00:04 Verizon,
 by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
 TOTAL: 27

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 36

Date Rcvd: Nov 16, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DITECH FINANCIAL LLC
cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
cr* Shellpoint Mortgage Servicing, P.O. Box 10675, Greenville, SC 29603-0675
TOTALS: 1, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 18, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 16, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Louis R. Pomerico on behalf of Debtor Paul R Castner info@pomericolaw.com,
pmcarr1920@outlook.com;loupom@aol.com;r50803@notify.bestcase.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 5